

08-16-02

#620/E
(Box Seq)
8/27/02
NW

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: PTQ-0028

Inventors: Van Eyk et al.

Serial No.: 09/419,901

Filing Date: October 18, 1999

Examiner: Cook, Lisa V.

Group Art Unit: 1641

Title: Methods of Diagnosing Muscle Damage

"Express Mail" Label No. EV 156351028 US
Date of Deposit - August 14, 2002

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327 Arlington, VA 22202

By


Typed Name: Kathleen A. Tyrell

Assistant Commissioner for Patents

BOX Sequence

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

RESPONSE TO NOTICE TO COMPLY

In response to the "Notice to Comply" dated July 30, 2002, a response to which is due August 30, 2002, enclosed herewith is:

(XX) Amendment under 1.825;

(XX) Statement to Support Filing and Submission in Accordance with 37 CFR §§1.821 through 1.825;

RECEIVED

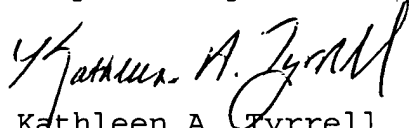
AUG 20 2002

TECH CENTER 1600/2300

- (XX) Substitute pages of the Sequence Listing;
- (XX) Substitute copy of the computer readable form of Sequence Listing;
- (XX) Copy of Notice to Comply;
- () Petition for One (1) Month Extension of Time;
- () Other:_____.

The Commissioner is hereby authorized to charge any underpayment associated with this communication or credit any overpayment to Deposit Account No. 50-1619. This sheet is attached in duplicate.

Respectfully submitted,

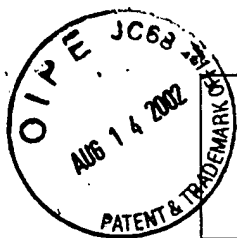


Kathleen A. Tyrrell
Registration No. 38,350

Date: August 14, 2002

Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515



Notice to Comply

Application No.
09/419,901

Applicant(s)
Van Eyk et al.

RECEIVED

Examiner
Lisa V. Daniels-Cook

Art Unit
1641

AUG 20 2002

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: The paper copy and the computer readable form of the Sequence listing do not comply with the sequence rules.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY